

806.501

(b) For class justifications specified in FAR 6.304(c), the contracting officer must obtain the approval of the Agency Competition Advocate for all proposed justifications with an estimated value of up to \$50 million. The contracting officer must obtain the approval of the SPE for all proposed justifications with an estimated value of more than \$50 million.

Subpart 806.5—Competition Advocates

806.501 Requirement.

(a) The Associate Deputy Assistant Secretary for Acquisitions is the Agency Competition Advocate. The Agency Competition Advocate may further delegate authority to other VA officials in VA Administrations and staff offices.

(b) The Executive Director and Chief Operating Officer, National Acquisition Center, is the Contracting Activity Competition Advocate for the Center.

(c) Each HCA (see subpart 802.1) will serve as the Contracting Activity Competition Advocate in all other cases.

(d) The authority in paragraphs (b) and (c) of this section is not delegable.

806.570 Planning requirements.

(a) Each Contracting Activity Competition Advocate must do the following:

- (1) Develop a Competition Plan.
- (2) Incorporate the Plan in the internal operating procedures of the facility or organization in which the contracting activity is located.
- (3) Obtain the endorsement and support of the facility or staff office director.
- (4) Ensure that the services and offices that the contracting activity supports understand the plan.

(b) At a minimum, the Competition Plan must include the following:

(1) Approval requirements for other than full and open competition specified in FAR 6.304.

(2) A description of the synopsis requirements in FAR subpart 5.2 to ensure that responsible staff fully understand the advance procurement planning that is required.

(3) A description of how to integrate the Competition Plan into advance procurement planning.

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(4) A listing of obstacles to competition and a proposal for overcoming them.

(5) A method for increasing cost competition for contracts and competition on other significant factors.

PART 807—ACQUISITION PLANNING

Subpart 807.1—Acquisition Plans

Sec.

807.103 Agency-head responsibilities.

Subpart 807.3—Contractor Versus Government Performance

807.300 Scope of subpart.

807.304–77 Right of first refusal.

AUTHORITY: 40 U.S.C. 121(c) and 48 CFR 1.301–1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

Subpart 807.1—Acquisition Plans

807.103 Agency-head responsibilities.

The authority to prescribe procedures in FAR 7.103 is delegated to the SPE and is further delegated to the DSPE.

Subpart 807.3—Contractor Versus Government Performance

807.300 Scope of subpart.

This subpart prescribes the use of VAAR clause at 852.207–70, Report of employment under commercial activities, when contracting for commercial services under Office of Management and Budget (OMB) Circular A–76 or VA's cost comparison process. The cost comparison process is used by VA to determine whether to use commercial or Government resources to provide commercial services.

807.304–77 Right of first refusal.

(a) In addition to the Right of First Refusal of Employment clause specified in FAR 52.207–3, the contracting officer must include the clause “Report of Employment Under Commercial Activities” at 852.207–70 in all cost comparison solicitations where VA personnel may be displaced. This clause is primarily intended to verify that the